

Effective 3/11/2015

JR6-3-101 Ethics complaints -- Filing -- Form.

- (1)
- (a) The following individuals, who shall be referred to as the complainants, may file a complaint against an individual legislator if the complaint meets the requirements of JR6-2-201 and Subsection (1)(b):
 - (i) two or more members of the House of Representatives, for a complaint against a representative, provided that the complaint contains evidence or sworn testimony that:
 - (A) sets forth facts and circumstances supporting the alleged violation; and
 - (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence;
 - (ii) two or more members of the Senate, for a complaint against a senator, provided that the complaint contains evidence or sworn testimony that:
 - (A) sets forth facts and circumstances supporting the alleged violation; and
 - (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence; or
 - (iii) two or more registered voters currently residing within Utah, if, for each alleged violation pled in the complaint, at least one of those registered voters has actual knowledge of the facts and circumstances supporting the alleged violation.
 - (b) A complainant may file a complaint only against an individual who is serving as a member of the Legislature on the date that the complaint is filed.
- (2)
- (a) Complainants shall file a complaint with the chair of the Independent Legislative Ethics Commission.
 - (b) Except as provided in Subsection (2)(c), an individual may not file a complaint during the 60 calendar days immediately preceding:
 - (i) a regular primary election, if the accused legislator is a candidate in the primary election; or
 - (ii) a regular general election in which the accused legislator is a candidate, unless the accused legislator is unopposed in the election.
 - (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the time frame provided in that subsection if:
 - (i) the complaint includes evidence that the subject of the complaint has been convicted of, plead guilty to, entered a plea of no contest to, or entered a plea in abeyance to a crime of moral turpitude; and
 - (ii) the crime of moral turpitude is one of the allegations contained in the complaint.
- (3) The complainants shall ensure that each complaint filed under this rule is in writing and contains the following information:
- (a) the name and position or title of the legislator alleged to be in violation, who shall be referred to as the respondent;
 - (b) the name, address, and telephone number of each individual who is filing the complaint;
 - (c) a description of each alleged violation, including for each alleged violation:
 - (i) a reference to:
 - (A) the section of the code of conduct alleged to have been violated; or
 - (B) the criminal provision violated and the docket number of the case involving the legislator;
 - (ii) the name of the complainant or complainants who have actual knowledge of the facts and circumstances supporting each allegation;
 - (iii) the facts and circumstances supporting each allegation, which shall be provided by:
 - (A) copies of official records or documentary evidence; or

- (B) one or more affidavits, each of which shall comply with the following format:
 - (I) the name, address, and telephone number of the signer;
 - (II) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (III) the facts and circumstances testified to by the signer;
 - (IV) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - (V) the signature of the signer;
- (d) a list of the witnesses that the complainants wish to have called, including for each witness:
 - (i) the name, address, and, if available, one or more telephone numbers of the witness;
 - (ii) a brief summary of the testimony to be provided by the witness; and
 - (iii) a specific description of any documents or evidence complainants desire the witness to produce;
- (e) a statement that each complainant:
 - (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
 - (ii) believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's reputation, or causing unnecessary expenditure of public funds; and
 - (iii) believes the allegations contained in the complaint to be true and accurate; and
- (f) the signature of each complainant.